

State of Illinois
OFFICE OF THE GOVERNOR
Springfield, Illinois 62706

George H. Ryan
GOVERNOR

August 10, 2001

To the Honorable Members of
The Illinois Senate
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356 (1980), and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 647, entitled "AN ACT in relation to aeronautics," with my specific recommendations for change.

Senate Bill 647 proposes to amend the Illinois Aeronautics Act to increase the penalties for operating or repairing an aircraft while under the influence of alcohol from a Class A misdemeanor to Class 3 felony. Senate Bill 647 also establishes a new Class 4 felony offense of a crewmember "knowingly consuming" any alcohol, narcotic drug or other controlled substance while the aircraft is in operation. Senate Bill 647 further makes it a Class 3 felony to act as a crew member of an aircraft with an blood alcohol content (BAC) of .04 or more. Because a blood alcohol content higher than .04 is generally considered to be "under the influence," Senate Bill 647 creates the potentially confusing situation where a higher blood alcohol content of a crew member on a plane may carry a lower penalty (Class 3 felony) than if the blood alcohol content was .04.

I am concerned that Senate Bill 647 contains conflicts within its proposed penalty scheme. Penalties under the law should be appropriate to each violation and be consistent. It is essential that as we implement stricter regulations regarding the responsible use of alcohol and aeronautics operation, we clearly define a penalty scheme that is clear and increases in severity according to the level of the violation.

For these reasons, I hereby return Senate Bill 647 with the following recommendations for change:

On page 1, line 28, by inserting before the period the following:

"or when the alcohol concentration in the person's blood or breath is 0.04 or more based on the definition of blood and breath units contained in Section 11-501.2 of the Illinois Vehicle Code; and

On page 1, line 29, by replacing "or act as a crew member of" with "~~or-act-as-a-crew-member-of~~".

With these changes, Senate Bill 647 will have my approval. I respectfully request your concurrence.

Sincerely,
George H. Ryan
GOVERNOR